

**LEMON GROVE CITY COUNCIL
AGENDA ITEM SUMMARY**

Item No. 2
Mtg. Date April 21, 2015
Dept. Development Services

Item Title: **Beekeeping**

Staff Contact: Carol Dick, Development Services Director

Recommendation:

Provide feedback regarding potential beekeeping regulations.
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Item Summary:

During a recent City Council meeting, several citizens spoke about an existing beekeeping activity and their positions regarding that activity. City Council directed staff to prepare an agenda item that would allow the City Council to discuss potential guidelines for beekeeping activities in the City. Staff presents a staff report (**Attachment A**) that introduces existing provisions in the Lemon Grove Municipal Code, other regional programs, and current trends for City Council discussion. Staff recommends that City Council consider the information presented in the staff report and provide feedback.

Fiscal Impact:

None.

Environmental Review:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Not subject to review | <input type="checkbox"/> Negative Declaration |
| <input type="checkbox"/> Categorical Exemption, Section | <input type="checkbox"/> Mitigated Negative Declaration |

Public Information:

- | | | |
|--|---|---|
| <input checked="" type="checkbox"/> None | <input type="checkbox"/> Newsletter article | <input type="checkbox"/> Notice to property owners within 300 ft. |
| <input type="checkbox"/> Notice published in local newspaper | <input type="checkbox"/> Neighborhood meeting | |

Attachments:

- | | |
|---------------------------|--|
| A. Staff Report | D. Mitigated Negative Declaration San Diego County Bee Ordinance Amendment |
| B. LGMC Section 18.16.060 | |
| C. LGMC Section 6.04.430 | |

LEMON GROVE CITY COUNCIL STAFF REPORT

Item No. 2

Mtg. Date April 21, 2015

Item Title: **Development Services**

Staff Contact: Carol Dick, Development Services Director

Discussion:

During a recent City Council meeting, several citizens spoke about an existing beekeeping activity and their positions regarding that activity. The activity is a current code enforcement case and was brought to the attention of the City Council during the public comment item. The property owner with the bee hives asked that City Council consider implementation of the current provisions and the neighbor asked that the hives be removed because she has small children visiting her home.

City Council directed staff to prepare an agenda item that would allow the City Council to discuss potential guidelines for beekeeping activities in the City. The following information introduces existing provisions in the Lemon Grove Municipal Code, other regional programs, and current trends for City Council discussion. Staff recommends that City Council consider the information presented in the staff report and provide feedback.

Beekeeping

Beekeeping can be a commercial business or a backyard hobby and is commonly referred to as an apiary. There is uniform belief that bees are critical to a successful ecosystem and to California agriculture. This staff report does not provide a discussion on the debate of whether backyard hobbyists are good for the bee population, but serves to identify what concerns should be addressed with the keeping of bees in a residential setting. The staff report does not consider large beekeeping operations that may be the sole use of a commercial site.

Residents set up beekeeping as a hobby for several reasons; some of those are to provide honey for friends and family as well as feeling that they are contributing to the overall health of the environment.

Safety and liability of beekeeping is a concern identified by insurance companies who advise homeowners of what needs to be considered with the hobby. Some of these concerns are noted below:

- Choose where to place bee hives. Make sure it is a safe distance away from other people. Do not place it in public view.
- Use appropriate signage to inform of potential danger of bees present.
- Do not keep a large number of bees on a small property.
- Be extremely careful when moving bees from one location to another. Consider doing this during evening hours. Use proper precautions to protect bystanders.
- Replace any aggressive bees with more docile ones.
- If bees start to frequent neighbors pool or hot tub, provide a water source closer to the hive.

Attachment A

Ordinances of neighboring jurisdictions address many of these concerns, while others do not have any regulations regarding beekeeping or apiaries. The County and State have regulations for the protection of bees to preserve California's agricultural economy.

Municipal Code

The Lemon Grove Municipal Code contains provisions in the Animal Keeping Sections regarding beekeeping (**Attachment B**). The records do not show that any beekeeping permit have ever been issued and staff has concluded that the reason behind this is that the City Council has not adopted, by Resolution, the fee noted in the following section.

18.16.060 Exotic Animals.B.1

The beekeeper shall apply for a beekeeping permit. The permit application shall be filed on a form available in the office of the planning department and shall be accompanied with a nonrefundable fee, as established by resolution of the city council.

The current provisions require neighborhood noticing of a beekeeping permit request and specific standards. The permit is issued at a staff level and upon protest, can be denied provided a written statement is submitted to the City from a medical practitioner licensed by the State of California documenting the existence of severe bee allergy.

The current provisions also reference Section 6.04.430 and Section 6.12 (repealed November 19, 1990) of the Lemon Grove Municipal Code. Section 6.04.430 (**Attachment C**) includes standards and procedures to abate nuisance animals.

If City Council directs staff to implement the current code, staff recommends that a Zoning Clearance Application and fee be utilized to process the application and to recover all costs associated with the application including noticing. Staff also recommends that the requirement for a medical statement be omitted from the provisions (shown italicized in **Attachment B**) as it may be difficult to ensure medical validity.

City staff recalls less than six requests in the past decade for beekeeping activities and less than that in code enforcement activities related to unapproved beekeeping activities.

Other Standards in the Region

Out of the nineteen jurisdictions, four agencies (including Lemon Grove) include existing standards for beekeeping activities in their regulations. National City prohibits beekeeping by ordinance and the City of San Diego established standards. Although the City of San Diego does not require permits, the hives must be registered with the County of San Diego Department of Agriculture, Weights, and Measures.

San Diego regulations establish the appropriate zones, allowable bee species (*Apis mellifera* commonly referred to as a Honey Bee), size and locational requirements, ownership standards, signage, fire safety and fire-fighting materials. The brochure issued by the City of San Diego states that the only type of bee allowed is a docile species and further states:

"The docile honeybees that are permitted by this ordinance are not aggressive. Beekeeping when done properly poses very limited risks to surrounding properties or property owners."

Chula Vista Municipal Code specifies that beekeeping is unlawful unless 600 feet from any residential structure. Exceptions to the requirement is made for scientific or research purposes.

The County of San Diego is currently undergoing environmental review of an amendment to the Bee Ordinance to implement a three "tiered" approach to setback distances for placement of beehives on public and private property in proximity to dwellings, property lines, roadways and

Attachment A

sensitive sites (small children, elderly, and confined animals and others who might be physically challenged). The tiers are based on the number of hives and requires that if 2 hives are on a site, those hives must be located 25 feet from the road, 25 feet from a property line and 35 feet from a neighboring dwelling. In addition to the clearance requirements, the proposed ordinance includes registration of beekeepers, Best Management Practices, education and outreach. The ordinance requires that the beekeeper monitor the hive for Africanization, installation of a 6-foot high barrier to direct flights, positioning hive entries away from paths and neighboring dwellings, adequate water supplies, and fire prevention provisions (related to smoker equipment). The attached Mitigated Negative Declaration (**Attachment D**) summarizes the major provisions of the proposed ordinance.

Current County regulations require all beekeepers, small and large, to keep hives 100 feet from roads and 600 feet from homes. The County of San Diego is undergoing revisions because of concerns expressed by the San Diego County Beekeeping Society who claim County regulations make it difficult for beekeepers to prosper (San Diego County News Center).

Conclusion:

Staff recommends that the City Council consider the information presented in the staff report and provide feedback.

Attachment B

18.16.060 Exotic animals.

A. The keeping of animals considered to be members of a rare and endangered species, exotic or wild animals, including dangerous or poisonous reptiles, shall not be permitted within the city, except as provided in Section 6.04.430 of the Lemon Grove Municipal Code.

B. Beehives may be kept within the residential low and low/medium zoning districts subject to the following:

1. The beekeeper shall apply for a beekeeping permit. The permit application shall be filed on a form available in the office of the planning department and shall be accompanied with a nonrefundable fee, as established by resolution of the city council

2. Prior to the issuance of a beekeeping permit, the city shall send written notification to the owners and residents of all properties abutting the lot where the bees are to be kept.

a. The owners and residents of the abutting properties may, within ten days of the date of the notice, file with the planning department a written protest against the issuance of a beekeeping permit.

b. *The only acceptable grounds for protest shall be that a resident of a property which abuts the site of the proposed beekeeping suffers from severe allergic reaction for bee stings. Such allergy and its severity shall be documented by a written statement from a medical practitioner licensed by the state of California.*

c. *If the city receives a protest pursuant to this section which included required documentation, no beekeeping permit shall be issued.*

3. Not more than two beehives shall be permitted on a lot or building site with an area of at least ten thousand square feet. Two additional beehives shall be permitted on a lot with an area of at least fifteen thousand square feet. No more than four beehives shall be permitted on any lot or building site.

4. *The keeping of bees shall be conducted in accordance with this section and in accordance to the provisions of Chapter 6.12 of the Lemon Grove Municipal Code.*

5. Beehives shall be placed at least one hundred feet from the exterior line of the traveled way of any public streets, at least twenty-five feet from the exterior line of any private access easement, at least twenty-five feet from any side or rear lot line, and at least one hundred feet from any dwelling other than that occupied by the owner of the bees.

6. Beekeepers shall keep sufficient open water available near the beehives during hot and dry weather.

7. Beehives shall be well maintained at all times.

Attachment C

6.04.430 Public nuisance.

A. General Provisions. The introduction, possession or maintenance of any animal, or the allowing of any animal to be in contravention of this chapter is, in addition to being a misdemeanor, declared to be a public nuisance. The city or authorized agency, health officer and peace officer may summarily abate any such public nuisance independently of any criminal prosecution or the results thereof by any means reasonably necessary including but not limited to the destruction of the animal or animals involved, or by the imposition of specific reasonable conditions and restrictions for the maintenance of the animal(s). The owner shall reimburse the city or authorized agency for all costs incurred in verifying compliance and enforcing the provisions of this section.

B. Notification of Right to Hearing. At least five working days prior to the impoundment and/or abatement, the owner or custodian of record shall be notified of their right to a hearing to determine whether grounds exist for such impoundment and/or abatement. If the owner or custodian of record requests a hearing prior to impoundment and/or abatement, no impoundment and/or abatement shall take place until the conclusion of the hearing except as noted in subsection C of this section.

C. Immediate Impoundment. When, in the opinion of the city or authorized agency, immediate impoundment is necessary for the preservation of animal or public health, safety or welfare, or if the animal has been impounded under other provisions of this code or state law, the pre-impoundment hearing shall be waived. However, the owner or custodian of record shall be given a notice allowing five working days to request an abatement hearing. If requested a hearing shall be held within five days of the request, and the animal shall not be disposed of prior to the conclusion of the hearing. If, after five working days, no request for a hearing is received from the owner or custodian of record, the animal in question shall be disposed of under applicable provisions of the law. (Ord. 245 § 9, 1995; Ord. 227 § 5, 1994; Ord. 175, 1990).



County of San Diego

HA DANG
AGRICULTURAL COMMISSIONER/
SEALER OF WEIGHTS & MEASURES

DEPARTMENT OF AGRICULTURE, WEIGHTS AND MEASURES
9325 HAZARD WAY, STE. 100, SAN DIEGO, CA 92123-1217
(858) 694-2739
FAX (858) 467-9897
<http://www.sdcawm.org>

MĒGAN MOORE
ASSISTANT DIRECTOR

MITIGATED NEGATIVE DECLARATION

April 2, 2015

Project Name: San Diego County Bee Ordinance Amendment

Project Number(s): County Code of Regulatory Ordinances Title 6, Division 2, Chapter 9

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the
Environmental Initial Study that includes the following:

- a. Initial Study Form
 - b. Environmental Analysis Form and attached extended studies for biological resources, historical resources, and a stormwater management plan.
1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period, and; on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project will have a significant effect on the environment.
 2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

A. Hazards/Public Safety

 - a. The effectiveness of the proposed ordinance changes depends on four components: registration of beekeepers, the implementation of Best Management Practices (BMPs), outreach/education to the public and beekeepers, and compliance with the revised ordinance. With the incorporation

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of these mitigation measures, the impacts to public safety will be less than significant because beekeepers will be educated on how to properly manage their hives to prevent Africanization of those hives; and the County will conduct compliance inspections and enforcement actions to ensure compliance with the ordinance requirements. These mitigation measures are:

Registration: All beekeepers are required to register each year to allow AWM the knowledge of managed beehive locations. The registration process will include newly registered beekeepers taking an online course on how to effectively manage bees and preclude Africanized bees. The beekeepers will be required to complete and sign self-assessment, Best Management Practice (BMP) Checklist, yearly upon registration.

Online Course: Completion of the online course is required for newly registered beekeepers. The course covers various aspects of safe beekeeping, serves as an educational resource for beekeepers, and promotes understanding and compliance.

Re-Queen: All beekeepers will be required to check their hive monthly for signs of Africanization. When Africanization possibility is detected, the beekeepers are required to re-queen or abate the bee hive immediately to discontinue the production of Africanized offspring.

6-foot Flyover Barrier: All beekeepers in residential areas will be required to have a 6-foot high barrier placed on all sides of the hives to direct the bee flight path up and out. Barrier must be a minimum of 6 feet tall and can be manmade such as a fence, or natural such as a dense hedge. Barrier shall closely surround the beehives leaving sufficient space to properly maintain the beehives. Barriers protect public safety by forcing the bees to fly up and over the barrier height to prevent contact with people or animals.

Hive Entry Location: All beekeepers in residential areas will be required to place the openings of the beehives away from any paths used by people and animals, and away from any neighboring dwelling so that the bee flight path does not come in contact with people or animals.

Water Supply: All beekeepers will be required to provide a water supply specifically for bee use. Water is one of the main provisions bees must have to remain healthy. The water supply must be fresh, adequate, and available to bees at all times. The water supply must be equipped with floats or landing areas to prevent bees from drowning. This allows the bees to avoid visiting unintentional water supplies such as neighbor's pet water bowls and swimming pools.

Regular Hive Check by Beekeepers: All beekeepers will be required to open and check their hives at least once a month, looking for behavioral signs of Africanization such as defensiveness, territoriality, agitation, or unpredictability. Frequent health checks allow the beekeepers to notice when the hives may be

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taken over by bee pests, diseases, or overly-defensive bees and to take corrective measures in a timely manner. The beekeepers will also be required to notice when a hive is growing too large and swarming may likely occur. If the hive has grown too large, the beekeeper must split the hive or provide additional box space for the colony to grow.

Yearly BMP Checklist: The beekeepers will be required to submit a signed BMP self-assessment checklist as part of their annual registration with AWM. The checklist serves as a reminder list of the required BMPs and ordinance requirements that beekeepers must follow in order to be in compliance.

Fire Prevention Equipment: All beekeepers must prevent their smokers from starting a fire. Fire prevention consists of a secure secondary container for smoker transport, a reasonable fire break and firefighting materials. A fire break is an area cleared of weeds, brush, or flammable materials where the hive is located. Firefighting materials need to be immediately available and consist of a shovel and a fire extinguisher or operable water supply.

Identification Information on Hive: Each hive must display the beekeeper's name and telephone number in clearly visible letters at least 1" tall. Contact information is important to show ownership, prevent theft and serves to facilitate communication if there is a question or complaint about the hives.

Sensitive Sites as Determined by AWM: Sensitive sites will be determined and appropriate setbacks implemented to provide sufficient distance between managed beehives and the possible sensitive site locations. A sensitive site is a location where people or animals, such as the elderly, small children, or confined animals inhabit or frequent, that is more at risk if a stinging incident was to occur. All schools, playgrounds, picnic areas, outdoor sports facilities, daycare centers, kennels, horse boarding facilities, senior care facilities, medical treatment facilities, and hospitals that are known to the County will automatically be considered as designated sensitive sites. Property operators, owners, or residents with documented hyper-sensitivity to bee stings can request their locations to be designated as sensitive sites. AWM will consider designation of sensitive site status if a business or resident applies to AWM for their location to be designated as a sensitive site. Conversely, property operators and owners could remove their sensitive site designations by written notification to AWM.

Outreach and Education Program: A strategic bee outreach program will be implemented by AWM that involves beekeepers, the public and interested parties. The program will be a collaborative effort between the County of San Diego Farm and Home Advisor (FHA), SDBS, commercial beekeepers and AWM to increase hobbyist beekeepers' awareness and expertise on the importance of BMP implementation and compliance with ordinance requirements. Other interested parties may include pest control professionals, land managers, growers, emergency first-responders, and educators. The program includes the development of a website, brochures, factsheets, frequently asked questions,

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bee hotline post card, workshops, training demonstrations, video, online training and BMP checklist.

Compliance Monitoring: To promote compliance, AWM proposes to conduct compliance inspections based on beekeepers' requests, complaints, and causes, such as the beehive proximity to sensitive sites and AWM's awareness of possible violations, to ensure compliance with the ordinance requirements. AWM will use available education, outreach, and compliance tools to ensure public safety. Possible compliance tools include San Diego County's Administrative Citation, Administrative Civil Penalties and Public Nuisance Abatement Processes. SDBS has offered to collaborate with AWM and beekeepers when possible to ensure compliance by providing technical assistance to hobbyist beekeepers who are out of compliance.

Bee Hotline: A Bee Hotline has been set up where the public can call if they have questions or comments about bees BEE/INSECT HOTLINE 1-800-200-2337 (BEES). This Hotline is available during regular business hours to answer non-emergency public concerns about managed and feral bees. The Hotline directs the public to the correct jurisdiction and/or forwards managed bee complaints to AWM to be addressed.

Adaptive Management: AWM will implement a two calendar year adaptive management program to evaluate the success of the bee ordinance amendments. The adaptive management program will consist of an active evaluation of program success by collecting information on the number of registrants, complaints, and compliance actions during the two calendar year period after the ordinance changes are implemented. Improvements and changes may be made on aspects of the ordinance to meet safety goals.

ADOPTION STATEMENT: This Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Thomas Duffy, Environmental Planning Manager